

REMARKS

Applicant respectfully requests reconsideration of the above referenced patent application in view of the amendments and remarks set forth herein, and respectfully request that the Examiner withdraw all rejections. Claims 1, 8-10, 24, 35, 40 and 47 have been amended. No claims have been canceled. No claims have been added. Thus, claims 1-50 are pending.

35 U.S.C. §102 Rejections

The Office Action rejects claims 1-13, 16-20, 23-24 and 26-50 under 35 U.S.C. §102(b) as being anticipated by Herman et al., US Pub. No. 2002/0073043 (“*Herman*”). A claim is anticipated only if each and every element as set forth in the claim is found, either expressly or inherently described, in a single prior art reference, wherein the identical invention is shown in as complete detail as is contained in the claim. *See* M.P.E.P. §2131. The Office Action alleges that *Herman* discloses, *inter alia*, receiving a request to generate a secure electronic record of a third-party transaction, wherein the received request includes data associated with the third-party transaction. Applicant traverses the above rejection for at least the following reasons.

The above rejected claims include independent claims 1, 24, 35, 40 and 47. Currently amended independent claim 1 states in a salient portion (emphasis added):

“...receiving **at a server system** a request to generate a secure electronic record of a **third-party transaction conducted independent of the server system**, wherein the received request includes data associated with the third-party transaction;
generating **at a server system** the secure electronic record of the third-party transaction;...”

Each of currently amended independent claims 24, 35, 40 and 47 variously recites similar limitations. The claim amendments are supported in the original disclosure at least by FIGS. 1 and 2 and by paragraphs [0008] and [0012], which variously describe a buyer 105 conducting a business transaction (e.g. with client system 115), independent of the server system 120 that generates the secure electronic record.

Applicant respectfully submits that **none** of rejected claims 1-13, 16-20, 23-24 and 26-50 is anticipated by the reference, based at least on *Herman* failing to disclose receiving at a server system a request to generate a secure electronic record of a third-party transaction conducted **independent of** the server system, wherein the received request includes data associated with the third-party transaction, as variously recited in the independent claims.

Herman discloses a smart electronic receipt system, wherein Trusted Agent Server receives both an order record created by a Trusted Agent on a Buyer's client system and a Smart Receipt delivered by a Smart Receipt Agent on a merchant's system. *See*, e.g., Abstract. The Smart Receipt reflects the details of the transaction. It is stored in a secure database on the Trusted Agent Server and is made available to the buyer. *See*, e.g. para. [0012]. Accordingly, the Smart Receipt is disclosed in *Herman* as being by created the **merchant** involved in the transaction which the Smart Receipt represents, and **not** by a server system which is **independent** of the conducting of the transaction, as recited in the claims.

In rejecting the above claims, the Final Office Action relies on FIGS. 22-24 paragraphs [0783]-[0789] of *Herman*. However, FIGS. 22-24 paragraphs [0783]-[0789] describe the invention of *Herman* as a "Trusted Intermediary" between two parties X 2301 and Y 2303 in the course of their transactions. Therefore, the conducting of the transaction which the Smart Receipt represents **depends on** the "Trusted Intermediary" which allegedly creates the Smart Receipt. Assuming *arguendo* that all other claim limitations are disclosed by *Herman*, which Applicants do not agree, *Herman* nevertheless **requires** that a transaction which a Smart Receipt represents be conducted via an entity which generates the Smart Receipt and **not**, for example, by a server system which is **independent** of the conducting of the transaction.

For at least the foregoing reasons, *Herman* fails to disclose at least one element in each of independent claims 1, 24, 35, 40 and 47. In depending directly or indirectly from one of these independent claims, each of dependent claims 2-13, 16-20, 23, 26-34, 36-39,

41-46 and 48-50 incorporates at least one limitation not taught by the reference.

Therefore, Applicant requests that the above 35 U.S.C. §102(b) rejection of claims 1-13, 16-20, 23-24 and 26-50 based on *Herman* be withdrawn.

35 U.S.C. §103(a) Rejections

The Office Action rejects claims 14-15, 21-22 and 25 under §103(a) as being obvious in light of *Herman* in view of *Hrobsky*, *Martin*, *Tax filing made easier through the Internet*, March 12, 2003, Czech Radio, <http://radio.cz> ("*Hrobsky*"). In rejecting the above claims, the Office Action relies in part on the previously-discussed 35 U.S.C. §102(b) rejection of claims 1 and 24 based on *Herman* alone. *Hrobsky* is further alleged to disclose transmission to a special authority such as a tax authority. To establish *prima facie* obviousness of a claimed invention, all the claim limitations must be taught or suggested by the prior art. See M.P.E.P. § 2143.03. Applicant traverses the above rejection for at least the following reasons.

As discussed above, *Herman* fails to anticipate either of claims 1 and 24 under 35 U.S.C. §102(b). At the very least, *Herman* **fails** to disclose receiving at a server system a request to generate a secure electronic record of a third-party transaction conducted **independent of the server system**, wherein the received request includes data associated with the third-party transaction and generating at a server system the secure electronic record. In presenting a basis for the above 35 U.S.C. §103(a) rejection, the Office Action does not provide any additional basis for any combination of *Herman* and *Hrobsky* teaching of suggesting the claim limitations which are **not** anticipated by *Herman* alone. *Hrobsky* is not directed to these claim limitations, and **merely** describes downloading tax **forms** from a server, and sending filled-out versions of the tax forms back to the server with an electronic signature. Therefore, Applicant submits that the references fail to teach or suggest the claim limitations previously discussed in reference to the 35 U.S.C. §102(b) rejection.

Accordingly, each of claims 1 and 24 is non-obvious in light of *Herman* and *Hrobsky*. If an independent claim is non-obvious under 35 U.S.C. §103, then any claims

depending therefrom are also non-obvious. *See* M.P.E.P. §2143.03. For at least the foregoing reasons, Applicant requests that the above 35 U.S.C. §103(a) rejection of claims 14-15, 21-22 and 25 based on *Herman* and *Hrobsky* be withdrawn.

CONCLUSION

For at least the foregoing reasons, Applicant submits that the objections and rejections have been overcome. Therefore, claims 1-50 are in condition for allowance and such action is earnestly solicited. The Examiner is respectfully requested to contact the undersigned by telephone if such contact would further the examination of the present application. Please charge any shortages and credit any overcharges to our Deposit Account number 02-2666.

Respectfully submitted,
BLAKELY, SOKOLOFF, TAYLOR & ZAFMAN, LLP

Date: 8/30/2007 /Dermot G. Miller/
Dermot G. Miller
Attorney for Applicants
Reg. No. 58,309

12400 Wilshire Boulevard
Seventh Floor
Los Angeles, CA 90025-1026
(503) 439-8778